

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ESTATE OF MARK MONTGOMERY,
ET AL.,

Plaintiffs,

v.

SOLOY, LLC, a Washington limited
liability company,

Defendant.

NO. 3:16-cv-05125-RJB

**ORDER ON MOTION TO STAY
AND MOTION TO DISMISS**

EAGLEMED, L.L.C. and STARR
INDEMNITY AND LIABILITY
COMPANY,

Plaintiffs,

v.

SOLOY, LLC, a Washington limited
liability company,

Defendant.

NO. 16-cv-5136 RJB

This matter comes before the Court on the Plaintiffs' Joint Motion to Stay Proceedings Pending Outcome of Pending Appeal before the Oklahoma Court of Civil Appeals (Dkt. 21) and Defendant Soloy, LLC's ("Soloy") Motion to Dismiss (Dkt. 16). The Court has considered the motions and the remaining record.

1 stay of this matter pending the Oklahoma Court of Civil Appeals' decision on whether the
2 Oklahoma courts have personal jurisdiction over Soloy. Dkt. 21.

3 In Soloy's pending motion to dismiss based on *forum non conveniens*, it argues that
4 this is an inconvenient forum "because similar lawsuits are ongoing in Texas and Oklahoma."
5 Dkt. 16, at 4 and 35. Soloy maintains that Texas is a more convenient forum for this case, and
6 notes that the Texas litigation has been ongoing for several months. *Id.*

7 DISCUSSION

8 A district court has broad discretion to stay an action. *See Landis v. North American*
9 *Co.*, 299 U.S. 248, 254 (1936). "Where it is proposed that a pending proceeding be stayed,
10 the competing interests which will be affected by the granting or refusal to grant a stay must
11 be weighed." *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). Courts consider the
12 "possible damage which may result from the granting of a stay, the hardship or inequity
13 which a party may suffer in being required to go forward, and the orderly course of justice
14 measured in terms of the simplifying or complicating of issues, proof, and questions of law
15 which could be expected to result from a stay." *Id.*

16
17 Considering the competing interest here, this case should be stayed. Soloy has not
18 shown that it would be unduly damaged by the stay. Soloy favors suit in Texas, but, in any
19 event, clearly disfavors suit in this forum as evidenced by its motion to dismiss based on
20 *forum non conveniens*. Plaintiffs properly point out that hardships exist for all parties since
21 extra resources would have to been expended on both sides if both cases go forward. Further,
22 the "orderly course of justice" favors staying this case. If the Oklahoma court determines that
23 it has jurisdiction over Soloy, decisions it has already made may simplify or impact the issues
24 in this case. Further, the accident occurred in Oklahoma, and some of the parties live in
25 Oklahoma, possibly making issues of proof simpler in that forum. This case should be stayed

1 pending the outcome of the decision of the Oklahoma Court of Civil Appeals (Appeal number
2 115047).

3 All pending motions should be stricken, to be renoted, if appropriate, after the stay is
4 lifted. Plaintiffs should be ordered to inform this Court within 30 days of the decision by the
5 Oklahoma Court of Civil Appeals, or in any event, should report on or before December 2,
6 2016. All other deadlines should be stricken.

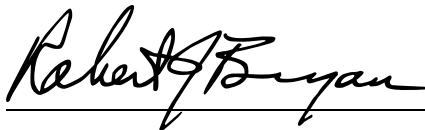
7 **ORDER**

8 It is **ORDERED** that:

- 9
- 10 • Plaintiffs' Joint Motion to Stay Proceedings Pending Outcome of Pending
11 Appeal Before the Oklahoma Court of Civil Appeals (Dkt. 21) is **GRANTED**;
 - 12 • All pending motions and deadlines are **STRICKEN WITHOUT**
13 **PREJUDICE**; and
 - 14 • Plaintiffs **SHALL** inform this Court within 30 days of the decision by the
15 Oklahoma Court of Civil Appeals, or in any event, should report on the status
16 of the pending cases on or before December 2, 2016.

17 The Clerk is directed to send uncertified copies of this Order to Defendant Barron, any
18 other party proceeding *pro se*, and all counsel of record.

19 Dated this 20th day of June, 2016.

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22 ROBERT J. BRYAN
23 United States District Judge
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